

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Eric Hamilton *et al.*  
APPLICATION NO.: 10/811,427  
FILING DATE: March 26, 2004  
TITLE: ROBUST SINGLE-PASS VARIABLE BIT RATE ENCODING  
EXAMINER: Andy S. Rao  
GROUP ART UNIT: 2621  
ATTY. DKT. NO.: 18602-08744 (P3257US1)

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Dated: 13 September 2007

By: /Daniel R. Brownstone 46581/  
Daniel R. Brownstone, Reg. No. 46,581

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**PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
UNDER 37 CFR 1.181 AND MPEP § 711.03(C)**

A Notice of Abandonment was mailed on August 14, 2007 in the above case, stating that the application was abandoned for failure by Applicants to respond to the Office Action of February 2, 2007.

The February 2, 2007 Office Action was not received by the Applicants or by their undersigned representative. A search of the file jacket and docket records confirms that the Office Action was not received. A copy of the docket record for this application is included with this Petition; the record shows each docketed item in the history of the application, and illustrates that the Office Action response was not docketed—there is no docketed item between the Status

Request sent to the USPTO on July 28, 2006, and the receipt of the Notice of Abandonment on August 20, 2007. Had the Office Action been received, a response deadline would have appeared in the record.

In addition, Private PAIR reveals that the Office Action was returned to the USPTO as undeliverable on February 8, 2007. A screen shot of the Private PAIR image file wrapper and the first page of the returned office action bearing an OIPE date stamp of FEB 08 2007 are attached. The customer address associated with the customer number 61520, i.e. the address that the Office Action was mailed to, is the correct address, and the reason for its return to the USPTO as undeliverable is unknown.

Accordingly, since Applicants did not receive the February 2, 2007 office action, the Office is asked to withdraw the holding of abandonment in this case and re-mail the Office Action.

If any additional information is required, please contact the Attorney for Applicants at the telephone number below.

Respectfully submitted,  
ERIC HAMILTON *et al.*

Dated: September 13, 2007

By: /Daniel R. Brownstone 46,581/  
Daniel R. Brownstone, Reg. No. 46,581  
Attorney for Applicants  
Fenwick & West LLP  
Silicon Valley Center  
801 California Street  
Mountain View, CA 94041  
Tel.: (415) 875-2358  
Fax: (415) 281-1350

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
















































































<b>Matter</b>	<b>Edit</b>		
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<b>Client:</b>	Apple Inc.	<b>Client File #:</b>	P3257US1
<b>FIP ID:</b>	23214	<b>Publication Date:</b>	
<b>Status:</b>	Pending / Active	<b>Matter Entity Size:</b>	Large
<b>Date Filed:</b>	Mar 26, 2004	<b>Issue Date:</b>	
<b>Serial #:</b>	10/811,427	<b>Patent #:</b>	
<b>Other Party:</b>	No	<b>Scan Docs:</b>	
<b>Special Instructions (See Handbook):</b>		<b>Technology:</b>	
<b>Prototype:</b>	No	<b>Default category prototype:</b>	No

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08-14-2007	BIB	Bibliographic Data Sheet	PROSECUTION	1	
02-08-2007	RETMAIL	Mail returned to USPTO as undelivered	PROSECUTION	21	
02-02-2007	CTNF	Non-Final Prosecution	PROSECUTION	19	
02-02-2007	892	List of references cited by examiner	PROSECUTION	1	
02-02-2007	BIB	Bibliographic Data Sheet	PROSECUTION	1	
02-02-2007	FWCLM	Index of Claims	PROSECUTION	1	
02-02-2007	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1	
02-01-2007	SRNT	Examiner's search strategy and results	PROSECUTION	1	
06-16-2006	EBCC.AD	Notice of Change of Address placed in File Wrapper	PROSECUTION	1	
03-26-2004	TRNA	Address placed in File Wrapper due to EBC Question	PROSECUTION	3	
03-26-2004	SPEC	Transmittal of New Application Specification	PROSECUTION	18	
03-26-2004	CLM	Claims	PROSECUTION	17	
03-26-2004	ABST	Abstract	PROSECUTION	1	
03-26-2004	DRW	Drawings	PROSECUTION	2	
03-26-2004	OATH	Oath or Declaration filed	PROSECUTION	3	
03-26-2004	WCLM	Claims, Worksheets (PTO-2022)	PROSECUTION	1	
03-26-2004	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1	
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,427	03/26/2004	Eric Hamilton	18602-08744 (P3257US1)	2639
61520 7590 02/02/2007 APPLE/FENWICK SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041				
EXAMINER				
RAO, ANAND SHASHIKANT				
ART UNIT			PAPER NUMBER	
2621				

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/02/2007	PAPER

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